

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2014 MAR -7 AM 11:21

Vermont Hard Cider Company)

Plaintiff)

v.)

Woodchuck Coffee Roasters)

Defendant)

CIVIL ACTION NO. 5:13-cv-78

CLERK

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EVALUATOR'S REPORT

Please select one:

- ☒ First Session Report
☐ Second Session Report
☐ Third Session Report
☐ Corrected/Revised Report
☐ Supplemental Report
☐ Other

Michael J. Marks, the Early Neutral Evaluator, reports pursuant to Local Rule 16.1 (j) on the ENE session in this matter as follows:

(j)(1)(A):	Date of session:	Start time:	Finish time:
	January 29, 2014	9:00 a.m.	6:00 p.m.
j)(1)(B):	Names of attendees:	Role:	Settlement authority: (check only where applicable)
	Daniel S. Rowell	Plaintiff	X
	Amy Stinson, Esq.	Plaintiff-In house counsel	
	Paul Reidl, Esq.	Plaintiff-legal counsel	
	Ritchie Berger, Esq.	Plaintiff-legal counsel	
	Dana Basiliere	Defendant	X
	James Basiliere	Defendant	X
	Kathryn Kent, Esq.	Defendant-legal counsel	

(j)(1)(C): **Substitute arrangements regarding attendance:** N/A

(j)(1)(D): **Date parties' Evaluation Statements received by Evaluator:**

Early neutral evaluation statements were filed in a timely manner and allowed for adequate preparation by the evaluator.

(j)(1)(E): **Oral presentations:** By all parties

(j)(1)(F): **Results of session:**

(j)(1)(F)(i): X Full settlement Partial settlement

 No Settlement

(j)(1)(F)(ii): **Stipulation to narrow the scope of dispute:** N/A

(j)(1)(F)(iii): **Agreement to limit discovery, facilitate future settlement, or otherwise reduce cost and delay related to trial preparation:**

Scheduling another ENE session: Yes NO

Other comments: (please refer to L.R. 16.1 (j)(2)):

Settlement was not reached on Jan. 29th. Mediator continued to work with parties by telephone and full settlement was reached on Feb. 27, 2014.

Dated at Middlebury, Vermont on this 4th day of March, 2014.

Michael Marks, KB
Michael J. Marks
Evaluator